

REMARKS

Reconsideration of this application is respectfully requested in view of the above amendments and these remarks. The examiner's careful review of the application evident from the last office action is recognized and appreciated.

Claim 16 is an independent claim that is modeled after claim 15 (now canceled) and is particular to worklights having a nominal power rating of at least 500 Watts. It places the warning indicator on the front bezel and includes limitations on the thermal moderator. In particular, support for the one-sixteenth to one-eighth inch thickness range for the moderator is found in the specification at page 7, lines 7-9.

Note that where claim 15 (and its parent claim 14) refer to a "warning message," claim 16 refers to "warning indicia." "Indicia" is the terminology used in the specification (see, e.g., page 1, lines 30-32, or page 4, lines 25-28), and so is used in claim 16 for consistency.

Claim 17 is a new claim that may be understood as follows. Where claim 16 refers to "a layer of thermochromic coating composition and warning indicia," claim 17 refers to "warning indicia and an associated layer." In claim 17 "one of said associated layer and said warning indicia [is] formed of a thermochromic coating composition." That is to say, in claim 17 either the indicia or the associated layer could be made of the thermochromic coating composition, whereas in claim 16 it is the associated layer that is made of the thermochromic coating composition. Support for this distinction is found in the specification in the embodiments of FIGS. 2A and 2B, which show layers 27 and 37 associated with indicia respectively associated with indicia 28 and 36. Recall that in the embodiment of FIG. 2A layer 27 is of thermochromic composition and indicia 28 are not and in FIG. 2B the indicia 36 are of thermochromic composition and layer 37, referred to as a background layer, is not. Notwithstanding this broadened element in claim 17, it is believed that the other limitations still patentably distinguish the prior art.

Claim 18 is a dependent claim illustrated in the embodiment of FIG. 2A. Claims 19 and 20 are dependent claims illustrated in the embodiment of FIG. 2B.

This application was earlier subject to a requirement for restriction, and applicant elected the species shown in FIGS. 1 and 2A. Claims 17 and 18 are

believed to correspond to that species. Claims 19 and 20 are believed to correspond to the species of FIG. 1 and 2B.

In the requirement for restriction the examiner indicated that "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form ..." (Office Action of 06/19/02). The undersigned submits that claim 17 is allowable and provides the requisite linking claim so that both species may be covered in the same application.

The undersigned believes that the application is now in condition for allowance and action to that effect is respectfully requested. Nevertheless, since this is a response to a final rejection, the undersigned is contemporaneously filing a precautionary notice of appeal. If the examiner feels that there are any lingering issues that can be resolved by telephone or feels that a telephone interview would be beneficial in any way, she is invited to call the undersigned at 510-658-9511.

Respectfully submitted,

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I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

2/22/05
Date

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